

Chapter HSS 302

ASSESSMENT AND EVALUATION, SECURITY  
CLASSIFICATION AND SENTENCE COMPUTATION IN  
ADULT CORRECTIONAL INSTITUTIONS

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Note: Each section in this chapter has explanatory material which can be found in the appendix following the last section of the chapter.

**HSS 302.01 Applicability of A&E process.** (1) Every convicted offender sentenced or committed to a correctional institution shall participate in an orientation program, receive a security classification and assignment to an institution and be offered a vocational, job, school or program assignment (hereinafter "program assignment"), consistent with existing resources, as specified in this chapter.

(2) This initial process for orientation, security classification and program assignment shall be called "the assessment and evaluation process" (hereinafter "A&E"). In this chapter the term "convicted offender" includes a person sentenced to a correctional institution, a person committed to the department under ch. 975, Stat., and transferred to a correctional institution and a person assigned to a correctional institution after the revocation of probation, discretionary parole or mandatory release.

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**HSS 302.02 Purposes of A&E.** The purposes of A&E shall be the following:

- (1) A comprehensive assessment of a resident's social background, sentence structure, academic and vocational achievements;
- (2) A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of a resident;
- (3) An orientation to the program resources of the division of corrections;
- (4) The motivation of the offender to become constructively involved in the correctional process;
- (5) The social reintegration of the offender through the formulation of an individualized plan to aid the newly confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the division to make efficient use of available resources; and
- (6) The protection of the public through planning for appropriate correctional treatment and supervision.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.03 Duration of A&E process.** (1) A&E shall be completed not more than 6 weeks after the arrival of the offender at the institution to which the offender has been sentenced or assigned.

(2) In unusual circumstances, the director of A&E (hereinafter "director") may delay the starting time of the A&E Process.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.04 Restricted movement during A&E process.** (1) During A&E, a resident may be separated from the general resident population until the institution physician is satisfied that the resident is not suffering from a communicable disease or the director is satisfied that the person need not be separated for the resident's safety.

(2) The director and the security director or their designees may evaluate residents upon their arrival at the institution and recommend to the superintendent that individuals be separated from the general population and each other and have their movement restricted for the duration of A&E. The superintendent may order such residents separated and their movement restricted if he or she believes that it is necessary for the safety and security of the individual resident or of the institution.

(3) If a resident is separated from the general resident population pursuant to this section, he or she shall be notified of the reasons in writing.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.05 Orientation during A&E process.** (1) The purposes of orientation are:

(a) To initiate the correctional process in a constructive and positive manner;

(b) To communicate to residents the objectives of the correctional process, the successful reintegration of the offender into the community, and the protection of the public;

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(c) To communicate to residents the commitment of the whole correctional staff to the achievement of these correctional objectives and of

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Correctional Institution	Resident Security Classification			
	Maximum (Close and General)	Medium	Medium/ Outside	Minimum
WISCONSIN STATE PRISON	X	X	X	X
WISCONSIN STATE REFORMATORY	X	X	X	X
WISCONSIN CORRECTIONAL INSTITUTION		X	X	X
KETTLE MORAINE CORRECTIONAL INSTITUTION		X	X	X
TAYCHEEDAH CORRECTIONAL INSTITUTION (FEMALE)	X	X	X	X
WISCONSIN CORRECTIONAL CAMP SYSTEM				X
WISCONSIN CORRECTIONAL INSTITUTION- OAKHILL				X
WISCONSIN CORRECTIONAL INSTITUTION- DODGE	X	X	X	X
COMMUNITY CORRECTIONS CENTERS				X
AETP				X

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

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**HSS 302.14 Criteria for security classification.** The criteria for assigning a security classification shall include only the following:

(1) The nature of the offense of which the resident was convicted. Evaluation of the seriousness of the offense may include consideration of the following:

- (a) Physical danger to another by the offense;
- (b) Harm done to another in the commission of the offense;
- (c) Whether the offender exhibited physical aggressiveness that exposed another to harm;
- (d) Whether the crime was a crime against property;
- (e) Mitigating factors.

- (2) The criminal record of the resident;
- (3) The length of sentence being served;
- (4) The motivation for the crime of which the resident was convicted;
- (5) The resident's attitude toward the offense and sentence;
- (6) The resident's vulnerability to physical assault by other residents;
- (7) The resident's prior record of adjustment in a correctional setting, including any record of escape;

(8) The length of time the resident has been in a particular security classification and institution;

(9) The medical needs of the resident, including the need for physical or psychological treatment;

(10) Time already served for the offense;

(11) The reaction to the resident in the community where the offense was committed, and where the institution is located;

(12) The resident's conduct and adjustment in the general population;

(13) The resident's performance in programs; and

(14) Detainers filed with respect to the resident. A detainer shall not by itself bar a resident from receiving a medium or minimum security classification. If a detainer is to be considered in giving a resident a security classification:

(a) The registrar shall inform the resident and the resident's social worker of the detainer;

(b) The registrar shall inform the authority which has filed the detainer of the offense for which the resident is confined and the resident's sentence;

(c) The resident's social worker shall make reasonable efforts to find out from the authority which has filed the detainer the reasons for filing the detainer, the underlying facts upon which the detainer is based, and the evidence of those facts;

(d) The resident's social worker shall make available, with the resident's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;

(e) The resident's social worker shall inform the resident of all information acquired and given pursuant to paragraphs (b), (c), and (d);

(f) The resident shall be given the opportunity to place on file and before anyone considering the detainer additional facts or facts contrary to those acquired and placed on file;

(g) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the resident in writing.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.15 Program assignment.** (1) Unless otherwise specified in the rules of the division, every resident is eligible for every job, school, vocational or other program within the Wisconsin correctional system, provided the resident has the security classification which permits transfer to the institution where the job, school vocational or other program is available and may otherwise be transferred to that institution or commute to the institution where the program is available.

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(2) Each resident shall be offered a program assignment, consistent with available resources and security needs.

(3) Consistent with available resources, any resident may participate in any program at the institution at which the resident resides or at any other institution, provided the resident is otherwise eligible for the program and is assigned to it in accordance with the rules of the division.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.16 Criteria for program assignment.** The criteria for assigning a resident to a job, school, vocational or other program shall include only the following:

(1) The medical needs of the residents, including any physical or mental disabilities or behavioral disorders the resident may suffer;

(2) The resident's:

(a) Aptitude;

(b) Motivation;

(c) Present and potential vocational and educational needs, interests and ability;

(d) Institutional adjustment;

(e) Past performance in programs;

(3) The physical vulnerability of the resident;

(4) Limitations on program participation due to population pressure;

(5) The needs of the institution; and

(6) The resident's security classification.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.17 Procedure for program assignment and security classification at conclusion of A&E process at WCI-Waupun, WCI-Green Bay, and WCI-Taycheedah.** (1) With the advice of the A & E committee, the director shall recommend a security classification, assignment to a job, school, vocational or other program and an assignment to an institution to the classification chief at the end of the A & E process. The classification chief shall decide the security, program assignment and assignment to an institution for each resident.

(2) The director shall set the time for a review of the security classification, program assignment and assignment to an institution for each resident, but the date shall be not more than 6 months from the date of the initial classification and program assignment.

(3) Except at WCI-Taycheedah, the A & E committee shall be made up of not less than 3 permanent members who shall include:

- (a) The director or designee;
- (b) A member of the parole board; and
- (c) A member of the A & E staff designated by the director.

(4) At WCI-Taycheedah, the A & E Committee shall be made up of not less than 3 permanent members who shall include:

- (a) The superintendent or a member of the treatment staff designated by the superintendent;
- (b) A director designated by the classification chief; and
- (c) A member of the parole board.

(5) Before the director recommends a security classification, assignment to an institution, and program assignment for a resident to the classification chief, the committee shall interview the resident. At the interview, the committee shall explain to the resident the criteria for the recommendations and decisions and the specific facts under consideration. The resident shall be afforded the opportunity to dispute these facts and to indicate what the resident believes to be the appropriate classification and assignment. The resident's views, to the extent they differ from the director's, shall be forwarded to the classification chief.

(6) The recommendation of the director and the reasons for it shall be explained to the resident orally and in writing and shall include the specific facts and criteria on which the recommendations are made.

(7) The director and the resident shall be informed in writing to the extent that the decision of the classification chief differs from the recommendation of the director and the specific facts and reasons for the classification chief's decision.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.18 Program review.** (1) The security classification, assignment to an institution and program assignment of each resident shall be reviewed by the program review committee (hereinafter "PRC") not more than 6 months from the last review of classification and assignment.

- (2) The purposes of such review are:

(a) To provide systematic review of the resident's academic, vocational, medical, social, treatment, and security needs and progress;

(b) To monitor the implementation and revision of plans developed during A&E and previous PRC meetings;

(c) To provide supplemental or alternative program recommendations;

(d) To provide supplemental recommendations regarding security needs; and

(e) To aid the resident's reintegration into society.

(3) Such review may occur before the time designated for the review:

(a) At the designation of the PRC or at its own direction, upon the recommendation of a staff member; or

(b) At the request of the resident or a staff member, provided there is a significant change of circumstances relevant to the classification or program assignment of the resident. A request for early review by the resident shall be made to the resident's social worker who shall forward it to the PRC.

(4) Every correctional institution and camp shall have a PRC. Except at the camps, the PRC shall consist of not less than 4 permanent members which shall include:

(a) A member of the security staff holding the rank of lieutenant or higher, to be designated by the superintendent;

(b) The program review coordinator, to be designated by the classification chief;

(c) A member of the social services staff holding the rank of social services supervisor; and

(d) An educational representative in a supervisory class or a guidance counselor.

(5) The PRC in each camp shall consist of not less than 3 permanent members who shall include 3 of the following people:

(a) The social services specialist or supervisor;

(b) A social worker who shall serve as program review coordinator;

(c) A member of the security staff; or

(d) The camp superintendent or designee.

(6) A permanent member of the PRC may designate a single person to sit as an alternate, consistent with available staff. The designee need not hold the rank of the permanent member. In view of the importance of the PRC, the alternate should replace the permanent member as infrequently as possible.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.19 Program review procedure.** (1) Before a resident's security classification, assignment to an institution and program assignment is reviewed by the PRC, the resident's social worker shall interview the

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resident and inform the resident orally of the approximate date of the review, the criteria for review, the facts to be considered at the review, the fact that the resident has the option to appear before the PRC and must appear before a change in security classification or a transfer may be made.

(2) Before the scheduled PRC review, the resident's social worker shall:

(a) Make known to the PRC in writing the resident's view of the appropriate security classification, program assignment and assignment to an institution; and

(b) Make a written recommendation to the PRC as to the appropriate security classification, program assignment and assignment to an institution.

(3) If the resident appears, the coordinator shall inform the resident of the facts being considered, the criteria for the decision, and the recommendation of the social worker. The resident shall be afforded the opportunity to present additional facts, dispute facts being considered and state an opinion of the appropriate security classification and program assignment.

(4) The classification chief shall approve or disapprove changes in a resident's security classification and transfer upon the recommendation of the PRC.

(5) Each member of the PRC shall have one vote. A recommendation of security classification change, transfer, or approval for work or study release requires a unanimous vote of the PRC. A change in program assignment requires a majority vote of the PRC.

(6) The criteria to be applied are those stated in HSS 302.14 and 302.15 [302.16].

(7) If a vote of the PRC as to security classification, transfer, or approval for work or study release is not unanimous, the case shall be referred to the A&E director or designee and the superintendent or designee for a recommendation as to the security classification, transfer, or work or study release status. If they are unable to agree, the case shall be referred with comments but without recommendation to the classification chief for a decision. The resident's views, to the extent they differ from the PRC's, shall be forwarded to the classification chief. If the PRC vote on a program assignment results in a tie, the case shall be referred to the superintendent or his or her designee for a decision.

(8) Reasons for the recommendations as to the security classification and the decision as to program assignment shall be given to the resident in writing and shall include the specific facts relied upon and the criteria to which the facts were applied.

(9) An inmate may appeal the PRC's decision as to program assignment to the superintendent within 10 days after receipt of the decision.

(10) To the extent that the classification chief's decisions differ from the recommendations, reasons for the decision shall be provided to the

PRC and the resident in writing and shall include the facts relied upon and the criteria to which the facts were applied.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79; am. (7), renum. (9) to be (10), cr. (9), Register, February, 1987, No. 374, eff. 3-1-87.

**HSS 302.20 Inter-institution transfers.** (1) The transfer of a resident from the one institution to another requires the approval of the classification chief. Except for a transfer made as a part of the initial security classification, assignment to an institution, and program assignment during the A&E process or as otherwise provided under this section, transfers may be approved only upon the recommendation of the PRC at the institution at which the resident is residing. If the resident has been transferred pursuant to sub. (2) below, the PRC of the institution at which the resident resided before such transfer has responsibility for the recommendation. If the PRC is unable to make an unanimous recommendation as to transfer, the procedure set forth in HSS 302.19 (7) and (8) shall be followed. The criteria for the transfer decision and recommendation are those in HSS 302.14 and 302.16.

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(2) The PRC may review the security classification and program assignment and consider a resident for transfer due to a disciplinary infraction, only after disposition of the disciplinary case is completed by the adjustment committee. Before the PRC review, the adjustment committee shall inform the resident that such review may occur, and that the results and findings of fact at the disciplinary hearing may be considered in the program review process.

(3) Before a review as provided in sub. (2), the resident shall be afforded a disciplinary hearing. After such hearing, the adjustment committee shall forward to the PRC the results and specific findings of facts relating to the alleged disciplinary violations. The PRC may consider this information and shall consider all the criteria provided to HSS 302.14 and 302.16 before making a recommendation as to security classification and transfer and a decision as to program assignment. The procedure provided for in HSS 302.19 shall be followed in such review.

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(4) Pending such review by the PRC, the resident may be segregated from the general resident population. If an institution or camp is without the facilities necessary to do so, the resident may be transferred to a county jail pending the results of the disciplinary hearing and review of the resident's security classification and program assignment. If the sheriff's department is unable or unwilling to retain a resident, the resident may be transferred to another institution pending the disposition of the disciplinary infraction with the approval of the classification chief. Residents should be confined in county jails pursuant to this rule for as short a time as possible.

(5) If the resident is transferred to a county jail as provided in sub. (4), the disciplinary hearing and program and security review shall be held 3 less than 2 days of service of the report of the disciplinary infraction, with the consent of the resident. However, if the resident wishes additional time to prepare for the hearing and it is not possible for him or her to remain in the county jail or camp, the resident shall be transferred to a more secure institution for the hearing. In no event shall the disciplinary

hearing occur more than 10 calendar days from the date of the disciplinary report.

Note: In sub. (5) "3 less than 2 days" is an error. The department's intent was to state "not more than 3 days." See the explanatory note for this section in the appendix.

(6) A resident may be transferred without following the procedures set forth in this rule and in HSS 302.19 only for the following reasons:

- (a) A medical emergency; or
- (b) A security emergency.

(7) If a resident is transferred pursuant to sub. (6), the resident's program assignment, assignment to an institution and security classification shall be reviewed within 7 calendar days of such transfer by a PRC from the institution from which the resident was transferred and the procedure for review and transfer as set forth in HSS 302.19 shall be followed.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.21 Sentence computation.** (1) **TIMELINESS IN COMPUTING DATES AND INFORMING INMATES.** (a) Within 10 working days after a person arrives at a correctional institution following sentencing or after an inmate returns from escape, the registrar shall compute the inmate's parole eligibility date, projected mandatory release date and projected discharge date, and shall inform the inmate in writing of these dates.

(b) Within a reasonable time after an inmate arrives at a correctional institution following revocation of probation, discretionary parole or mandatory release parole, the registrar shall inform the inmate in writing of the inmate's parole eligibility date, projected mandatory release date and projected discharge date.

(c) Within a reasonable time after the registrar becomes aware of any change in an inmate's parole eligibility date, projected mandatory release date or projected discharge date, the registrar shall inform the inmate in writing of that change. For an inmate not covered by 1983 Wisconsin Act 528, the projected mandatory release date may change due to loss of good time or failure to earn extra good time. For an inmate who, on or after June 1, 1984, committed the crime for which he or she was sentenced and for other inmates who chose to have 1983 Wisconsin Act 528 apply to them, the mandatory release date may be extended as a penalty for misconduct under ch. HSS 303.

(2) **DETERMINATION OF PAROLE ELIGIBILITY DATE.** (a) Except for an inmate serving a life sentence and as otherwise specified in chs. HSS 302 to HSS 326, an inmate who committed a crime before November 3, 1983, shall be eligible for parole when one-half of the minimum sentence for the crime for which the person was convicted less all credit to which the inmate is entitled pursuant to s. 973.155, Stats., has been served. An inmate who committed a crime on or after November 3, 1983, shall be eligible for parole when 25% of the sentence imposed, or 6 months, whichever is greater, less all credit to which the inmate is entitled pursuant to s. 973.155, Stats., has been served. However, in no case may any inmate be eligible for parole before 60 days has elapsed from the date of the inmate's arrival at the institution. If an inmate was sentenced for more than one crime, he or she shall be eligible for parole on each sentence in order to be considered for parole. If an inmate has received a consecutive sentence, the inmate may not begin serving the consecutive sentence for